

Commonwealth of Virginia
Department of Aviation
Small, Women-owned and Minority-owned (SWAM) Purchasing Plan
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A. Designation of Diversity Champion:

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B. Purchasing Process: 1) End user identifies need and completes requisition. 2) Requisition approved by Division Manager and routed to Procurement. 3) Procurement reviews for compliance with Agency Procurement and Surplus Property Manual (APSPM) and routes to Manager of Finance and Administration for review, coding, and approval. 4) Unless exempt, requisition is entered in eVA for order processing.

C. Describe the agency's business outreach program to promote greater women and minority business participation: The Department of Aviation (DOAV) regularly searches Department of Minority Business Enterprises (DMBE), eVA, Virginia Minority Supplier Development Council (VMSDC), Airport Minority Advisory Council (AMAC) and other resources to identify additional SWAM vendors that may be able to provide goods or services to the agency. SWAM Vendors are included in competitive and non-competitive solicitations and encouraged to register in eVA as SWAM vendors if they have not already done so. The agency maintains an open door policy in offering guidance and assistance in doing business with the state and registering in and utilizing eVA. DOAV encourages SWAM vendors to register in eVA as SWAM and to certify with DMBE. Solicitations are available to SWAM vendors through VBO/eVA, DMBE, and VMSDC.

D. Describe gender-neutral options used by the agency/institution to promote greater women and minority business participation:

1) Contract Sizing. The size of a proposed procurement can limit the potential participation by SWAM vendors. The following rules are designed to address that issue, while being sure to preserve the cost-savings and other benefits that the Commonwealth has achieved through bundling contracts and other procurement initiatives.

a. Assessing Bundled Contracts. For goods provided under statewide or regionally bundled contracts for which there are qualified available SWAM vendors, but with respect to which the size of such contract appears to limit SWAM vendors from bidding or winning such contracts, DOAV may seek to reduce the size of the contracts to increase the pool of potential bidders to include SWAM vendors. If the effect of reducing the size of such contracts is to cause a meaningful increase in price, a significant degradation in terms and conditions, a significant decrease in administrative efficiency or non-compliance with applicable federal contracting requirements or funding conditions, then DOAV shall not be obligated to so reduce the contract size.

b. Prime Contractor SWAM Procurement Plan. As an agency that has established a SWAM Procurement Plan with identified goals for minority and women-owned business, DOAV may include those goals as conditions as pre-qualification requirements in the terms and conditions for the award of any prime contract in excess of \$100,000 and, if so included, may reflect those goals in the requirement for a subcontracting plan prepared and submitted prior to award for goods and non-professional services and within 30 days of award for construction and professional services. For contracts in which the subcontractor plan is due prior to award, failure to submit the plan in timely fashion shall disqualify the contractor from receiving the award. For contracts in which the subcontractor plan may be submitted within 30 days after award, failure to submit the required plan in timely fashion, including any applicable cure periods, shall be cause for

contract termination or other appropriate remedies (including the obligation on the part of the contractor to continue full contract performance notwithstanding the withholding of progress payments until the required plan is submitted). A Virginia-certified M/W contractor who serves as prime contractor will receive credit for M/W subcontracting for work performed by such prime.

c. Construction Contracts. If the size of vertical or horizontal construction contracts appear to limit SWAM vendors from bidding or winning such contracts, DOAV may seek to reduce the size of the contracts to increase the pool of potential SWAM bidders. If the effect of reducing the size of such contracts is to cause a meaningful increase in price, a significant degradation in terms and conditions, a significant decrease in administrative efficiency or non-compliance with applicable federal contracting requirements or funding conditions, then DOAV shall not be obligated to so reduce the contract size. In the case of construction contracts awarded to non-SWAM primes, the prime contractor shall seek to size the subcontracts so as to enable qualified SWAM subcontractors to bid effectively for such work so long as the effect of reducing the size of such subcontracts does not cause a meaningful increase in price or a significant degradation in terms, conditions or other applicable contract factors. In the case of non-highway construction, where appropriate for the construction job in question, the Commonwealth shall consider using a Construction Manager At Risk instead of a prime contractor in order to afford opportunities for M/W contractors to bid effectively for the work in question. Nothing contained in this paragraph shall require DOAV to accept contractors who do not meet applicable quality, safety and performance standards.

d. Small Procurements. The current procurement regulations have been modified to provide that for all small procurements under \$5,000, at least one M/W vendor be solicited. Procurement regulations for amounts up to \$100,000 that require solicitation of multiple vendors have been modified to permit award to a reasonably priced M/W Vendor that is other than the lowest priced vendor when such purchases are made by a public body which has established a SWAM Procurement Plan.

e. Consultation with DMBE. DOAV, in consultation with DMBE where practical, shall seek to identify those purchases in which contract sizing may influence the availability of purchasing opportunities to SWAM vendors (a "Size-Related Contract"). Where these purchases are identified, the agency shall determine whether there are M/W Vendors capable of meeting the purchasing requirements. If the agency identifies no M/W Vendors capable of performing the contract requirements, then the agency shall consult with DMBE to seek to identify available M/W Vendors unless contract-timing issues require the agency or institution to complete the contract process before DMBE input can be obtained. For any Size-Related Contract for which the agency or institution determines that contract-timing issues require contract award without identifying any M/W Vendors or consultation with DMBE, the agency or institution shall consult with DMBE promptly after award of the contract to develop potential M/W Vendors for the next similar procurement.

f. Evidence of Compliance. Each prime contractor who wins an award in which provision of a SWAM procurement plan is a condition to the award, shall deliver to DOAV, on or before request for final payment, evidence and certification of compliance (subject only to insubstantial shortfalls and to shortfalls arising from subcontractor default) with the SWAM procurement plan. Final payment under the contract in question may be withheld until such certification is delivered and, if necessary, confirmed by the agency or institution, or other appropriate penalties may be assessed in lieu of withholding such payment.

2. Prompt Payment. Prompt and timely payment is critical to small businesses. This is especially true for small businesses performing as subcontractors on long- term projects. Agencies and

institutions of the Commonwealth are required to adhere to Virginia's Prompt Payment Law and to promote and encourage their prime contractors to provide prompt payment to subcontractors. In instances where SWAM vendors may be adversely affected by retainers withheld from contract payments until completion of a project, DOAV, at the sole discretion of the agency, may elect to waive such retainers.

3. Notice of Contract Opportunities. Special efforts are made to provide notice of bid opportunities available to small businesses and businesses owned by women and minorities. Solicitation information is provided to DMBE, VMSDC, and AMAC.

4. Improved Data Access. In addition to normal contract postings, DOAV will provide accessible links to procurement information on eVA, VBO, and VITA websites, in easily accessible form and in a location identified for SWAM procurement, including notices of contract opportunities. These postings will include (a) all existing term contracts with expiration dates, with such expiration dates clearly identified, (b) anticipated IFBs and RFPs that have not yet been developed including a best estimate of the date of issue of such IFBs and RFPs and contact information for potential vendors for pre-issuance contract information, and (c) other anticipated contract opportunities. This site will be linked to the DMBE website.

E. List process and procedures for monitoring the agency's SWAM purchases:

1. The agency's Senior Buyer is responsible for monitoring agency SWAM purchases.
2. Review for SWAM participation is conducted when the Senior Buyer receives the requisition. If there is not a mandatory source or contract for the good or service, the buyer reviews the procurement to see if any SWAM vendors are available to provide the goods or services. If the procurement is under \$5,000, it is awarded to a SWAM vendor when available. If the procurement must be solicited, the solicitation includes SWAM vendors as provided by the APSPM.
3. The DOAV does not review purchases from regional or area facilities – DOAV has only one facility.
4. All purchases are reviewed by the Senior Buyer for SWAM participation, regardless of dollar value.

F. Describe how the agency/institution plans to verify Second-Tier (Sub-Contracting) participation:

DOAV requires that contract vendors provide quarterly SWAM participation reports in accordance with their contract.

G. List projected SWAM (Prime) aspirational goals/dollar value for the following purchasing categories:

	Small	Women-Owned	Minority-Owned
Construction	100% \$100,000-\$250,000	0%	0%
Architecture & Engineering & Professional Services	30% \$60,000-\$90,000	0%	0%
Other Services	30% \$200,000	10% \$80,000	.2% \$1,700
Goods & Supplies	30% \$70,000	.4% \$800	3% \$6,500

Note: DOAV holds only three contracts for Professional Services and an average of one contract per year for construction. 50% of Goods & Supplies are purchased from mandatory sources and mandatory state contracts.

H. List projected Second-Tier (Sub-Contracting) aspirational goals/dollar value for the following purchasing categories:

	Small	Women-Owned	Minority-Owned
Construction	0%	0%	0%
Architecture & Engineering	0%	0%	0%
Other Services	0%	6%	0%
Goods & Supplies	0%	0%	0%

Signature _____
Agency/Institution Head